



COLORADO DEPARTMENT OF EDUCATION

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The mission of the School Transportation Unit, Colorado Department of Education, is to assist school districts in providing safe and efficient transportation for our school children for both route and activity trip operations.

The Colorado Department of Education (CDE) began regulating student transportation in 1963. Since then, working very closely with all 178 school districts in Colorado and with the Colorado State Patrol, CDE has developed the following rules and regulations for student transportation:

- 1 CCR 301-25, Minimum Standards Governing School Transportation Vehicles
- 1 CCR 301-26, Rules for the Operation of School Transportation Vehicles
- 1 CCR 301-29, Rules for the Annual Inspection and Regular Maintenance of School Transportation Vehicles

All three of these regulations apply to public school student transportation on route and on school related events, even if the school related event crosses state border.

State wide, there are approximately 5900 school buses operated by the 178 school districts. During school year 2000-2001, 278,789 students were transported every day on route for 48,774,000 miles.

Since 1963, Colorado has had two fatal school bus accidents, 1971 and 1989, involving the death of a student while riding on the bus. While both fatal accidents occurred on activity trips, they were short distance from home. Both accidents were single vehicle accidents where the bus driver lost control while driving on mountainous terrain. There have been no reported fatal or even serious Colorado school bus accidents while traveling in other states. Analysis of all reported Colorado school bus accidents and other national major school bus accidents has lead us to strengthen the Colorado regulations listed above in the following areas:

- 301-25, Minimum Standards - All school buses sold in Colorado are required to meet rollover protection performance standards that are more stringent than FMVSS.

301-26, Operational Rules - All school bus drivers, route and activity trip, must pass mountain and adverse driving condition training and testing in addition to the other subjects.

The driver's pre-trip inspection now includes several brake checks before placing the bus into service for the day.

Hours of service include 14 hours of combined on-duty and driving time with at least 6 of the 10 hours off duty being consecutive.

Driver qualifications include an annual written test, annual Driving Performance Test, current DOT physical, current first aid certificate, annual driver license record check and at least six hours of in-service training.

301-29, Annual Inspection - Every 12 months, all school vehicles that transport students must pass an annual inspection conducted by local mechanics certified by our unit. To become certified, the mechanic must demonstrate knowledge and skill by passing a 100 question written test and passing a hands-on performance test conducted by one of our testers. The inspector must re-certify every three years by passing a different written test.

The annual inspection, based on CDE criteria, is a very thorough inspection normally lasting from four to six hours.

The district is also required to conduct preventative maintenance inspections no more than every 4,000 miles. Although the items inspected are up to the district, brake inspection and adjustment are required.

Our unit reviews school districts compliance with these and other regulations every five years.

Colorado Motor Carrier Safety Regulations

Approximately ten years ago, a change in state statute brought school district school bus operations under the Colorado Motor Carrier Safety Regulations (CMCSR), regulated by the Colorado State Patrol (CSP). We worked with the CSP and the school districts to try to implement the CMCSR. One of the conclusions was that since CDE already had many similar requirements, we were granted exemptions in areas such as: post-trip inspection, railroad crossings, hours of service, periodic inspection, inspector qualifications, and commercial vehicle standards (exhaust location, red electric light over emergency doors). However, there still was much confusion about exactly what other CMCSR applied to school bus operation, especially since CDE regulations were still in effect. Part of this problem was an overlap of two state agencies regulations. Finally, in 2001, the Colorado General Assembly exempted all school district school bus operations from the CMCSR leaving the district school bus operations under only the CDE regulations. This has simplified the regulations for the school districts without lowering the safety standards for the students, especially since CDE has many regulations dealing with areas not covered by CMCSR such as: student discipline, emergency evacuation drills, and loading/unloading.

Comments to ANPRM questions

Question 1 - How many local educational agencies that operate school buses would be impacted? How many school buses and drivers are involved in interstate school trips? Where do "to and from school" trips occur that involve crossing state lines and how many students, drivers and buses are involved?

Although we do not have any actual data to answer this question, we do know that it is a regular occurrence for Colorado school buses to travel into adjacent states and for their buses to travel into Colorado. Based on my experience, it would be vary rare for a Colorado school bus to travel beyond adjacent states.

Question 2 - What requirements of the FMCSRs are not currently addressed by state or local school transportation requirements? Is there a systematic inspection, repair and maintenance program in place for school buses?"

We believe that the CDE regulations currently address at least the major FMCSRs plus many other areas critical for the students' safety, such as: student discipline, emergency evacuation and loading and unloading procedures.

Colorado has a very thorough preventative maintenance and annual inspection program for all school buses, route and activity trip, using certified inspectors with a regular review by CDE.

Question 3 - Are there limits to the number of hours that a driver may operate a school bus during school-related activities? Are there any limitations on "on-duty time" by local educational agencies?

The CDE hours of service regulation allows a school bus driver accumulate up to 14 hours of on-duty and driving time. It also allows up to 70 hours in 7 days. This includes both school district time and other employment. Records must be kept, although not necessarily Part 395 style logs. These hours of service regulations were worked out with the CSP.

Question 4 - What would be the incremental costs, if any, to comply with the FMCSRs for interstate trips?

Although data is not available to show the monetary cost to comply with FMCSRs for interstate trips, I believe that most of the Colorado school districts would either not travel into other states or try to find commercial motor coach carriers greatly increasing the cost of the trip.

Question 5 - What are the potential benefits of applying all or selected FMCSRs to interstate school bus travel by local educational agencies?

Frankly, based on our experience with trying to implement the CMCSRs, I don't see any benefit to complying with FMCSRs on interstate trips. This would force regulations designed for long haul interstate cargo transport onto a very different type of operation. Even the FMCSRs designed for interstate coach operations do not come very close to school bus activity trip operation.

We have the National School Transportation Specifications and Procedures document which are the recommendations of the 13th National Conference on School Transportation that we use to compare our regulations including activity trip against when revising the CDE regulations on school transportation.

Colorado school districts would be forced back into the problems of overlapping regulations from CDE and the FMCSRs.

Summary

The Colorado Department of Education, working closely with its school districts and the Colorado State Patrol and the industry national organizations, have and are continuing to revise tough regulations for the safety of our children we transport, including when we transport these children into other states.

Since there is no accident data to show that interstate trips involving school district school buses is a problem then why even consider implement regulations that will only complicate our children's safety?

When the Commercial Driver's License was implemented, Colorado was forced to lower its physical standards to DOT, don't force us to lower even more of our safety standards.

If you have any questions concerning these comments, please contact me.

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